

111TH CONGRESS
1ST SESSION

S. 2800

To amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2009

Mrs. MURRAY (for herself and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Educational Success
5 for Children and Youth Without Homes Act of 2009”.

1 **SEC. 2. EDUCATION FOR HOMELESS CHILDREN AND**
2 **YOUTHS.**

3 Subtitle B of title VII of the McKinney-Vento Home-
4 less Assistance Act (42 U.S.C. 11431 et seq.) is amended
5 to read as follows:

6 **“Subtitle B—Education for**
7 **Homeless Children and Youths**

8 **“SEC. 721. STATEMENT OF POLICY.**

9 “The following is the policy of Congress:

10 “(1) Each State and local educational agency
11 shall ensure that each homeless child and youth has
12 access to the same free appropriate public education,
13 including a public preschool education, as is provided
14 to other children and youths.

15 “(2) In any State where compulsory residency
16 requirements or other requirements of laws, regula-
17 tions, practices, or policies may act as a barrier to
18 the identification, enrollment, attendance, or success
19 in school of homeless children and youths, the State
20 and local educational agencies shall review and re-
21 vise such laws, regulations, practices, or policies to
22 ensure that homeless children and youths are af-
23 farded the same free appropriate public education as
24 is provided to other children and youths.

1 “(3) Homelessness is not a sufficient reason to
2 separate students from the mainstream school envi-
3 ronment.

4 “(4) Homeless children and youths shall have
5 access to the education and other services that such
6 children and youths need to ensure that such chil-
7 dren and youths have an opportunity to meet the
8 same challenging State student academic achieve-
9 ment standards to which all students are held.

10 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
11 **THE EDUCATION OF HOMELESS CHILDREN**
12 **AND YOUTHS.**

13 “(a) GENERAL AUTHORITY.—The Secretary is au-
14 thorized to make grants to States from allotments made
15 under subsection (c) and in accordance with this section
16 to enable such States to carry out the activities described
17 in subsections (d) through (h).

18 “(b) APPLICATION.—In order for a State to be eligi-
19 ble to receive a grant under this section, the State edu-
20 cational agency, in consultation with other relevant State
21 agencies, shall submit an application to the Secretary at
22 such time, in such manner, and containing or accompanied
23 by such information as the Secretary may reasonably re-
24 quire.

25 “(c) ALLOCATION AND RESERVATIONS.—

1 “(1) ALLOCATION.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (C), the Secretary is authorized to allot
4 to each State an amount that bears the same
5 ratio to the amount appropriated for such year
6 under section 726 that remains after the Sec-
7 retary reserves funds under paragraph (2) and
8 uses funds to carry out section 724 (d) and (h),
9 as the amount allocated under section 1122 of
10 the Elementary and Secondary Education Act
11 of 1965 (20 U.S.C. 6332) to the State for that
12 year bears to the total amount allocated under
13 section 1122 of such Act to all States for that
14 year, except as provided in subparagraph (B).

15 “(B) MINIMUM ALLOTMENTS.—No State
16 shall receive less under this paragraph than the
17 greater of—

18 “(i) \$300,000; or

19 “(ii) one-fourth of 1 percent of the
20 amount appropriated under section 726 for
21 that year.

22 “(C) RATABLE REDUCTION FOR INSUFFI-
23 CIENT FUNDS.—If there are insufficient funds
24 in a fiscal year to allot to each State the min-
25 imum amount under subparagraph (B), the

1 Secretary shall ratably reduce the allotments to
2 all States based on the proportionate share that
3 each State received under this subsection for
4 the preceding fiscal year.

5 “(2) RESERVATIONS.—

6 “(A) STUDENTS IN TERRITORIES.—The
7 Secretary is authorized to reserve 0.1 percent of
8 the amount appropriated for each fiscal year
9 under section 726 to be allocated by the Sec-
10 retary among the United States Virgin Islands,
11 Guam, American Samoa, and the Common-
12 wealth of the Northern Mariana Islands, ac-
13 cording to their respective needs for assistance
14 under this subtitle, as determined by the Sec-
15 retary. Funds allocated under this subpara-
16 graph shall be used for programs that are con-
17 sistent with the purposes of the programs de-
18 scribed in this subtitle.

19 “(B) INDIAN STUDENTS.—

20 “(i) TRANSFER.—The Secretary shall
21 transfer 1 percent of the amount appro-
22 priated for each fiscal year under section
23 726 to the Department of the Interior for
24 programs that are for Indian students
25 served by schools funded by the Secretary

1 of the Interior, as determined under the
2 Indian Self-Determination and Education
3 Assistance Act (25 U.S.C. 450 et seq.),
4 and that are consistent with the purposes
5 of the programs described in this subtitle.

6 “(ii) AGREEMENT.—The Secretary of
7 Education and the Secretary of the Inte-
8 rior shall enter into an agreement, con-
9 sistent with the requirements of this sub-
10 title, for the distribution and use of the
11 funds described in clause (i) under terms
12 that the Secretary of Education determines
13 best meet the purposes of the programs de-
14 scribed in this subtitle. Such agreement
15 shall set forth the plans of the Secretary of
16 the Interior for the use of the funds trans-
17 ferred, including appropriate goals, objec-
18 tives, and milestones for that use.

19 “(d) STATE ACTIVITIES.—Grant funds from a grant
20 made to a State under this section shall be used for the
21 following:

22 “(1) To carry out the policies set forth in sec-
23 tion 721 in the State.

24 “(2) To provide activities and services to im-
25 prove the identification of homeless children and

1 youths and enable such children and youths to enroll
 2 in, attend, and succeed in school and preschool pro-
 3 grams.

4 “(3) To establish or designate an Office of the
 5 Coordinator for Education of Homeless Children and
 6 Youths in the State educational agency in accord-
 7 ance with subsection (f) that has sufficient capacity,
 8 resources, and support to carry out the duties de-
 9 scribed in this subtitle.

10 “(4) To prepare and carry out the State plan
 11 described in subsection (g).

12 “(5) To develop and implement professional de-
 13 velopment activities for liaisons designated under
 14 subsection (g)(1)(J)(ii), other local educational agen-
 15 cy and school personnel, and community agencies—

16 “(A) to improve their identification of
 17 homeless children and youths; and

18 “(B) to heighten their awareness of, and
 19 capacity to respond to, specific problems in the
 20 education of homeless children and youths.

21 “(e) STATE AND LOCAL SUBGRANTS.—

22 “(1) MINIMUM DISBURSEMENTS BY STATES.—
 23 From the grant funds made available each year to
 24 a State under subsection (a) to carry out this sub-
 25 title, the State educational agency shall distribute

1 not less than 75 percent by making subgrants under
 2 section 723 to local educational agencies for the pur-
 3 poses of carrying out section 723.

4 “(2) USE BY STATE EDUCATIONAL AGENCY.—
 5 From the remainder of those grant funds, a State
 6 educational agency may use amounts to conduct ac-
 7 tivities under subsection (f) directly or through
 8 grants or contracts.

9 “(f) FUNCTIONS OF THE OFFICE OF THE COORDI-
 10 NATOR.—The Coordinator for Education of Homeless
 11 Children and Youths established in each State shall—

12 “(1)(A) gather and make publicly available reli-
 13 able, valid, and comprehensive information—

14 “(i) on the number of homeless children
 15 and youths identified in the State;

16 “(ii) on the nature and extent of the prob-
 17 lems homeless children and youths have in gain-
 18 ing access to public preschool programs and to
 19 public elementary schools and secondary
 20 schools;

21 “(iii) on the difficulties in identifying the
 22 special needs and barriers to participation and
 23 achievement of such children and youths;

24 “(iv) on any progress made by the State
 25 educational agency and local educational agen-

1 cies in the State in addressing such problems
2 and difficulties; and

3 “(v) describing subgrants awarded under
4 this subtitle, and the success of the programs
5 under this subtitle in identifying homeless chil-
6 dren and youths and allowing such children and
7 youths to enroll in, attend, and succeed in,
8 school; and

9 “(B) ensure that a report indicating the num-
10 bers of homeless children and youths identified by
11 each local educational agency in the State shall be
12 posted annually on the State educational agency’s
13 website;

14 “(2) develop and carry out the State plan de-
15 scribed in subsection (g);

16 “(3) collect data for and transmit to the Sec-
17 retary, at such time and in such manner as the Sec-
18 retary may require, reports containing such informa-
19 tion as the Secretary determines is necessary to as-
20 sess the educational needs of all homeless children
21 and youths within the State, including data re-
22 quested pursuant to subsection (h) of section 724;

23 “(4) in order to improve identification of home-
24 less children and youths and to improve the provi-
25 sion of comprehensive education and related support

1 services to homeless children and youths and their
2 families, and to minimize educational disruption, co-
3 ordinate activities, and collaborate with—

4 “(A) educators, including special education
5 personnel, child development and preschool pro-
6 gram personnel, truancy, attendance, and drop-
7 out prevention personnel, and personnel from
8 programs provided under titles I, III, and IV of
9 the Elementary and Secondary Education Act
10 of 1965 (20 U.S.C. 6301 et seq., 6801 et seq.,
11 and 7101 et seq.) and similar State programs;

12 “(B) providers of services to homeless chil-
13 dren and youths and their families, including
14 services of public and private child welfare and
15 social services agencies, law enforcement agen-
16 cies, juvenile and family courts, agencies pro-
17 viding mental health services, domestic violence
18 agencies, child care providers, runaway and
19 homeless youth centers, and providers of serv-
20 ices and programs funded under the Runaway
21 and Homeless Youth Act (42 U.S.C. 5701 et
22 seq.);

23 “(C) providers of emergency, transitional,
24 and permanent housing to homeless children
25 and youths, and their families, including public

1 housing agencies, shelter operators, operators of
2 transitional housing facilities, and providers of
3 transitional living programs for homeless
4 youths;

5 “(D) local educational agency liaisons des-
6 igned under subsection (g)(1)(J)(ii) for home-
7 less children and youths;

8 “(E) community organizations and groups
9 representing homeless children and youths and
10 their families;

11 “(F) relevant State agencies and task
12 forces, such as State interagency councils on
13 homelessness, State agencies administering
14 higher education programs and councils for
15 higher education, State housing agencies, emer-
16 gency and disaster response teams, State Head
17 Start collaboration offices, and State advisory
18 panels and State interagency coordinating coun-
19 cils convened under parts B and C of the Indi-
20 viduals With Disabilities Education Act (20
21 U.S.C. 1411 et seq., 1431 et seq.); and

22 “(G) the Coordinators for Education of
23 Homeless Children and Youths in other States,
24 including adjacent States;

1 “(5) provide professional development and tech-
 2 nical assistance to and conduct monitoring of local
 3 educational agencies, in coordination with local edu-
 4 cational agency liaisons designated under subsection
 5 (g)(1)(J)(ii), to ensure that local educational agen-
 6 cies comply with the requirements of paragraphs (3)
 7 through (7) of subsection (g), and subsection (h);
 8 and

9 “(6) respond to inquiries from parents and
 10 guardians of homeless children and youths and un-
 11 accompanied youths to ensure that each child or
 12 youth who is the subject of such an inquiry receives
 13 the full protections and services provided by this
 14 subtitle.

15 “(g) STATE PLAN.—

16 “(1) IN GENERAL.—Each State shall submit to
 17 the Secretary and carry out a plan to provide for
 18 education and related support services for all home-
 19 less children and youths within the State. Such plan
 20 shall include the following:

21 “(A) A description of how such children
 22 and youths are (or will be) given the oppor-
 23 tunity to meet the same challenging State stu-
 24 dent academic achievement standards as all stu-
 25 dents are expected to meet.

1 “(B) A description of the procedures the
2 State educational agency will use, in coordina-
3 tion with local educational agencies, to identify
4 all such children and youths in the State and
5 to assess their special needs.

6 “(C) A description of procedures for the
7 prompt resolution of disputes arising under this
8 subtitle, which shall—

9 “(i) ensure that local educational
10 agencies have developed dispute resolution
11 procedures which, at a minimum—

12 “(I) are developed in coordina-
13 tion and collaboration with the liai-
14 sons designated under subparagraph
15 (J)(ii);

16 “(II) are accessible to parents
17 and guardians of homeless children
18 and youths, and to unaccompanied
19 youths;

20 “(III) provide such parents,
21 guardians, and unaccompanied youths
22 with sufficient opportunity to present
23 their complaints; and

1 “(IV) designate decisionmakers
2 who have received training on the re-
3 quirements of this subtitle;

4 “(ii) ensure that parents and guard-
5 ians of homeless children and youths, and
6 unaccompanied youths, who have ex-
7 hausted the procedures available under
8 clause (i) are able to appeal to the State
9 educational agency, which shall render de-
10 cisions that are binding on the relevant
11 local educational agencies;

12 “(iii) define the role of the Coordi-
13 nator for Education of Homeless Children
14 and Youths in resolving disputes under
15 this subtitle appealed to the State edu-
16 cational agency;

17 “(iv) include procedures to resolve
18 promptly disputes under this subtitle be-
19 tween local educational agencies;

20 “(v) ensure that homeless children
21 and youths are enrolled in school pursuant
22 to paragraph (3)(E) and receive transpor-
23 tation pursuant to subparagraph (J)(iii)
24 pending final resolution of disputes, includ-
25 ing resolution through all available local

1 and State dispute resolution procedures
2 and pending legal actions, paying par-
3 ticular attention to ensuring enrollment in
4 cases of disputes between local educational
5 agencies; and

6 “(vi) include procedures for State
7 educational agencies or local educational
8 agencies to determine the need for, and en-
9 sure the delivery of, additional academic
10 support in cases in which a local edu-
11 cational agency has unlawfully denied a
12 student access to school or school services,
13 including transportation.

14 “(D) A description of programs for school
15 and other local educational agency personnel
16 (including the liaisons, principals, attendance
17 officers, teachers, enrollment personnel, and
18 pupil services personnel) to heighten the aware-
19 ness of such personnel of the specific needs of
20 homeless adolescents, including runaway and
21 homeless youths.

22 “(E) A description of procedures that en-
23 sure that homeless children and youths are able
24 to participate in Federal, State, or local nutri-
25 tion programs.

1 “(F) A description of procedures that en-
2 sure that—

3 “(i) homeless children have access to
4 public preschool programs, administered by
5 the State educational agency or local edu-
6 cational agency, including through the poli-
7 cies and practices required under para-
8 graph (7);

9 “(ii) homeless youths, including
10 youths separated from public schools, are
11 identified and accorded access to appro-
12 priate secondary education and related
13 support services, including through the im-
14 plementation of policies and practices to
15 ensure that such youths are—

16 “(I) able to receive credit for full
17 or partial coursework satisfactorily
18 completed while attending a prior
19 school;

20 “(II) are afforded opportunities
21 to recover credits lost during periods
22 of homelessness; and

23 “(III) are not penalized for ab-
24 sences related to homelessness and

1 are allowed to receive credit for work
2 completed after their enrollment; and
3 “(iii) homeless children and youths
4 who meet the relevant eligibility criteria
5 have access to magnet school, summer
6 school, vocational and technical education,
7 advanced placement, online learning oppor-
8 tunities, and charter school programs.

9 “(G) Strategies to address problems identi-
10 fied in the reports provided to the Secretary
11 under subsection (f)(3).

12 “(H) Strategies to address other problems
13 with respect to the education of homeless chil-
14 dren and youths, including enrollment problems
15 related to—

16 “(i) immunization and other required
17 health records and screenings;

18 “(ii) residency requirements;

19 “(iii) lack of birth certificates, school
20 records, or other documentation;

21 “(iv) guardianship issues; or

22 “(v) uniform or dress code require-
23 ments.

24 “(I) A demonstration that the State edu-
25 cational agency, and local educational agencies

1 and schools in the State, regularly review and
2 revise their policies and practices to remove
3 barriers to the identification, enrollment, at-
4 tendance, retention, and success of homeless
5 children and youths in schools and public pre-
6 school programs in the State.

7 “(J) Assurances that the following will be
8 carried out:

9 “(i) PREVENTION OF STIGMAS AND
10 SEGREGATION.—The State educational
11 agency and local educational agencies in
12 the State will adopt policies and practices
13 to ensure that homeless children and
14 youths are not stigmatized or segregated
15 on the basis of their status as homeless.

16 “(ii) LIAISON.—Local educational
17 agencies will designate a staff person as
18 the local educational agency liaison for
19 homeless children and youths, who shall
20 have sufficient training, resources, and
21 time to carry out the duties described in
22 paragraph (6), and who may also be a co-
23 ordinator for other Federal programs.

24 “(iii) PROVISION OF TRANSPOR-
25 TATION.—The State and local educational

1 agencies will adopt policies and practices to
2 ensure that transportation is provided ex-
3 peditiously, at the request of the parent or
4 guardian involved (or in the case of an un-
5 accompanied youth, the liaison), to and
6 from the school of origin (as defined in
7 paragraph (3)(J)), for as long as the stu-
8 dent has the right to attend the school of
9 origin as determined in paragraph (3)(A),
10 in accordance with the following, as appli-
11 cable:

12 “(I) WITHIN ONE LOCAL EDU-
13 CATIONAL AGENCY.—If the child or
14 youth continues to live in the area
15 served by the local educational agency
16 for the school of origin, the child’s or
17 youth’s transportation to and from
18 the school of origin shall be provided
19 or arranged by the local educational
20 agency for the school of origin.

21 “(II) INVOLVING MORE THAN
22 ONE LOCAL EDUCATIONAL AGENCY.—
23 If the child’s or youth’s living ar-
24 rangements in the area served by the
25 local educational agency of origin ter-

1 minate and the child or youth, though
 2 continuing the child’s or youth’s edu-
 3 cation in the school of origin, begins
 4 living in an area served by another
 5 local educational agency, the local
 6 educational agency of origin and the
 7 local educational agency for the area
 8 in which the child or youth is living
 9 shall share equally the cost and re-
 10 sponsibility for providing transpor-
 11 tation to and from the school of origin
 12 unless the agencies agree upon an-
 13 other method to apportion cost and
 14 responsibility, or the State educational
 15 agency has devised another method to
 16 apportion cost and responsibility
 17 among local educational agencies.

18 “(iv) SCHOOL SUCCESS.—The State
 19 educational agency and local educational
 20 agencies will adopt policies and practices to
 21 promote school success for homeless chil-
 22 dren and youths, including by—

23 “(I) ensuring that homeless chil-
 24 dren and youths have opportunities to
 25 meet the same challenging State stu-

1 dent academic achievement standards
2 to which other students are held;

3 “(II) ensuring that homeless chil-
4 dren and youths are able to partici-
5 pate fully in all classes and school ac-
6 tivities, including extracurricular ac-
7 tivities, athletic activities for which
8 they meet skill level requirements, be-
9 fore and after school programs, sum-
10 mer school programs, field trips,
11 classes, tests, and activities with fees,
12 services provided under title I of the
13 Elementary and Secondary Education
14 Act of 1965 (20 U.S.C. 6301 et seq.)
15 and similar State and local programs,
16 and other activities made available to
17 nonhomeless students; and

18 “(III) ensuring that such policies
19 and practices remove barriers to par-
20 ticipation related to fees, credit ac-
21 crual policies, lack of guardianship,
22 lack of transportation, enrollment and
23 participation deadlines, and residency
24 requirements.

25 “(2) COMPLIANCE.—

1 “(A) IN GENERAL.—Each plan adopted
 2 under this subsection shall also describe how
 3 the State will ensure that local educational
 4 agencies in the State will comply with the re-
 5 quirements of paragraphs (3) through (7).

6 “(B) COORDINATION.—Such plan shall in-
 7 dicate what technical assistance the State will
 8 furnish to local educational agencies and how
 9 compliance efforts will be coordinated with the
 10 local educational agency liaisons designated
 11 under paragraph (1)(J)(ii).

12 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
 13 MENTS.—

14 “(A) IN GENERAL.—The local educational
 15 agency serving each child or youth to be as-
 16 sisted under this subtitle shall, according to the
 17 child’s or youth’s best interest—

18 “(i) continue the child’s or youth’s
 19 education in the school of origin for the
 20 duration of homelessness—

21 “(I) in any case in which the
 22 child or youth becomes a homeless
 23 child or youth between academic years
 24 or during an academic year; and

1 “(II) for the remainder of the
2 academic year, if the child or youth
3 becomes permanently housed during
4 an academic year; or

5 “(ii) enroll the child or youth in any
6 public school that nonhomeless students
7 who live in the attendance area in which
8 the child or youth is actually living are eli-
9 gible to attend.

10 “(B) SCHOOL STABILITY.—To promote the
11 school stability of the child or youth, and in de-
12 termining the best interest of the child or youth
13 under subparagraph (A), the local educational
14 agency shall—

15 “(i) presume that keeping the child or
16 youth in the school of origin is in the
17 child’s or youth’s best interest, except
18 when doing so is contrary to the wishes of
19 the child’s or youth’s parent or guardian,
20 or the unaccompanied youth;

21 “(ii) consider student-centered factors
22 related to the child’s or youth’s best inter-
23 est, giving priority to the wishes of the
24 parent, guardian, or unaccompanied youth,
25 including—

1 “(I) the harmful impact of school
2 mobility on academic achievement and
3 social and emotional well-being;

4 “(II) the age of the child or
5 youth;

6 “(III) the impact any commute
7 may have on the child’s or youth’s
8 education;

9 “(IV) personal safety issues;

10 “(V) the child’s or youth’s need
11 for special instruction, including spe-
12 cial education and related services;

13 “(VI) the length of anticipated
14 stay in a temporary shelter or other
15 temporary location;

16 “(VII) the time remaining in the
17 school year; and

18 “(VIII) the school placement of
19 family members;

20 “(iii) if, after conducting the best in-
21 terest determination described in clause
22 (ii), the local educational agency deter-
23 mines that it is not in the child’s or
24 youth’s best interest to attend the school of
25 origin or the school requested by the par-

ent, guardian, or unaccompanied youth, provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or youth, including information regarding the right to appeal described in subparagraph (E);

“(iv) in the case of an unaccompanied youth, ensure that the liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal described in subparagraph (E); and

“(v) provide transportation pursuant to paragraphs (1)(J)(iii) and (4).

“(C) ENROLLMENT.—

“(i) IN GENERAL.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

1 “(I) is unable to produce records
 2 normally required for enrollment, in-
 3 cluding previous academic records,
 4 records of immunizations and health
 5 screenings and other required health
 6 records, proof of residency or guard-
 7 ianship, or other documentation;

8 “(II) has unpaid fines or fees
 9 from prior schools or is unable to pay
 10 fees in the school selected; or

11 “(III) has missed application or
 12 enrollment deadlines during any pe-
 13 riod of homelessness.

14 “(ii) RELEVANT ACADEMIC
 15 RECORDS.—The enrolling school shall im-
 16 mediately contact the school last attended
 17 by the child or youth to obtain relevant
 18 academic and other records.

19 “(iii) RELEVANT HEALTH RECORDS.—
 20 If the child or youth needs to obtain immu-
 21 nizations or health screenings, or immuni-
 22 zation or other required health records, the
 23 enrolling school shall immediately enroll
 24 the child or youth and refer the parent or
 25 guardian of the child or youth, or the un-

1 accompanied youth, to the local edu-
2 cational agency liaison designated under
3 paragraph (1)(J)(ii), who shall assist in
4 obtaining necessary immunizations or
5 screenings, or immunization or other re-
6 quired health records in accordance with
7 subparagraph (D).

8 “(iv) NO LIABILITY.—Whenever the
9 school selected enrolls an unaccompanied
10 youth in accordance with this paragraph,
11 no liability shall be imposed upon the
12 school by reason of enrolling the youth
13 without parent or guardian consent.

14 “(D) RECORDS.—

15 “(i) IN GENERAL.—Any record ordi-
16 narily kept by the school, including records
17 of immunizations and health screenings
18 and other required health records, aca-
19 demic records, birth certificates, guardian-
20 ship records, and evaluations for special
21 services or programs, regarding each
22 homeless child or youth shall be—

23 “(I) maintained so that the
24 records involved are available, in a
25 timely fashion, when a homeless child

1 or youth enters a new school or school
2 district;

3 “(II) immediately sent to the en-
4 rolling school, even if the child or
5 youth owes fees or fines or was not
6 withdrawn from the previous school in
7 conformance with local withdrawal
8 procedures; and

9 “(III) maintained in a manner
10 consistent with section 444 of the
11 General Education Provisions Act (20
12 U.S.C. 1232g).

13 “(ii) RELEASE.—School records need-
14 ed for academic placement decisions shall
15 be released immediately by the previous
16 school by facsimile transmission or other
17 available electronic means.

18 “(E) DISPUTES.—If a dispute arises over
19 eligibility for services, school selection, enroll-
20 ment in a school, or any other issue under this
21 subtitle—

22 “(i) the child or youth involved shall
23 be immediately enrolled in the school in
24 which enrollment is sought, pending final

1 resolution of the dispute, including all
2 available appeals;

3 “(ii) the parent, guardian, or unac-
4 companied youth involved shall be provided
5 with written explanations of any decisions
6 made by the school, the local educational
7 agency, or the State educational agency in-
8 volved, which shall include information
9 about the right to appeal such decisions;

10 “(iii) the parent, guardian, or unac-
11 companied youth shall be referred to the
12 local educational agency liaison designated
13 under paragraph (1)(J)(ii), who shall carry
14 out the dispute resolution process as de-
15 scribed in paragraph (1)(C) as expedi-
16 tiously as possible after receiving notice of
17 such dispute; and

18 “(iv) in the case of an unaccompanied
19 youth, the liaison shall ensure that the
20 youth is immediately enrolled in the school
21 in which the youth seeks enrollment pend-
22 ing resolution of such dispute.

23 “(F) PLACEMENT CHOICE.—The choice re-
24 garding placement shall be made regardless of
25 whether the child or youth involved lives with

1 the homeless parents or has been temporarily
2 placed elsewhere.

3 “(G) CONTACT INFORMATION.—Nothing in
4 this subtitle shall prohibit a local educational
5 agency from requiring a parent or guardian of
6 a homeless child to submit contact information.

7 “(H) PRIVACY.—Information about a
8 homeless child’s or youth’s living situation shall
9 be treated as a student education record under
10 section 444 of the General Education Provi-
11 sions Act (20 U.S.C. 1232g) and shall not be
12 released to housing providers, employers, law
13 enforcement personnel, or other persons or
14 agencies not authorized to have such informa-
15 tion under section 99.31 of title 34, Code of
16 Federal Regulations, paying particular atten-
17 tion to preventing disruption of the living situa-
18 tion of the child or youth and to supporting the
19 safety of such children and youths who are sur-
20 vivors of domestic violence and unaccompanied
21 youths.

22 “(I) ACADEMIC ACHIEVEMENT.—The
23 school selected in accordance with this para-
24 graph shall ensure that homeless children and
25 youths have opportunities to meet the same

1 challenging State student academic achievement
 2 standards to which other students are held, in-
 3 cluding implementing the policies and practices
 4 required by paragraph (1)(J)(iv).

5 “(J) SCHOOL OF ORIGIN DEFINED.—In
 6 this paragraph:

7 “(i) IN GENERAL.—The term ‘school
 8 of origin’ means the school that a child or
 9 youth attended when permanently housed
 10 or the school in which the child or youth
 11 was last enrolled.

12 “(ii) RECEIVING SCHOOL.—When the
 13 child or youth completes the final grade
 14 level served by the school of origin, as de-
 15 scribed in clause (i), the term ‘school of or-
 16 igin’ shall include the designated receiving
 17 school at the next grade level for all feeder
 18 schools.

19 “(4) COMPARABLE SERVICES.—In addition to
 20 receiving services provided for homeless children and
 21 youths under this subtitle or other Federal, State, or
 22 local laws, regulations, policies, or practices, each
 23 homeless child or youth to be assisted under this
 24 subtitle also shall be provided services comparable to

1 services offered to other students in the school se-
 2 lected under paragraph (3), including the following:

3 “(A) Transportation services.

4 “(B) Educational services for which the
 5 child or youth meets the eligibility criteria, in-
 6 cluding services provided under title I of the El-
 7 ementary and Secondary Education Act of 1965
 8 (20 U.S.C. 6301 et seq.) or services of similar
 9 State or local programs, charter schools, mag-
 10 net schools, educational programs for children
 11 with disabilities, and educational programs for
 12 students with limited English proficiency.

13 “(C) Programs in vocational and technical
 14 education.

15 “(D) Programs for gifted and talented stu-
 16 dents.

17 “(E) School nutrition programs.

18 “(5) COORDINATION.—

19 “(A) IN GENERAL.—Each local educational
 20 agency shall coordinate—

21 “(i) the provision of services under
 22 this subtitle with the services of local social
 23 services agencies and other agencies or en-
 24 tities providing services to homeless chil-
 25 dren and youths and their families, includ-

1 ing services and programs funded under
2 the Runaway and Homeless Youth Act (42
3 U.S.C. 5701 et seq.) or provided by other
4 agencies serving unaccompanied youths,
5 public and private child welfare agencies,
6 Head Start centers and local entities ad-
7 ministering State-funded preschool pro-
8 grams, and agencies providing mental
9 health services;

10 “(ii) transportation, transfer of school
11 records, and other interdistrict activities,
12 with other local educational agencies;

13 “(iii) the provision of services under
14 this subtitle with the provision of other
15 education programs, including programs
16 provided under titles I, III, and IV of the
17 Elementary and Secondary Education Act
18 of 1965 (20 U.S.C. 6301 et seq., 6801 et
19 seq., and 7101 et seq.) and similar State
20 and local programs, programs in vocational
21 and technical education, truancy and drop-
22 out prevention programs, before and after
23 school programs, summer school programs,
24 programs provided for students with dis-
25 abilities, students with limited English pro-

1 iciency, and gifted and talented students,
2 and local educational agency transpor-
3 tation services; and

4 “(iv) activities, planning, and initia-
5 tives with State and local agencies and or-
6 ganizations providing emergency, transi-
7 tional, and permanent housing and other
8 services to homeless families and unaccom-
9 panied youths, including developing and
10 implementing strategies to minimize edu-
11 cational disruption for children and youths
12 who become homeless.

13 “(B) COORDINATION PURPOSE.—The co-
14 ordination required under subparagraph (A)
15 shall be designed to—

16 “(i) ensure that all homeless children
17 and youths are promptly identified;

18 “(ii) ensure that homeless children
19 and youths have access to and are in rea-
20 sonable proximity to available education
21 and related support services;

22 “(iii) decrease school mobility and en-
23 sure that agencies placing homeless chil-
24 dren and youth in housing and agencies
25 providing housing and other services con-

1 sider the proximity of housing and services
 2 to a child or youth’s school of origin (as
 3 defined in paragraph (3)(J)); and

4 “(iv) raise the awareness of school
 5 personnel and service providers of the ef-
 6 fects of short-term stays in a shelter and
 7 other challenges associated with homeless-
 8 ness.

9 “(C) HOMELESS CHILDREN AND YOUTHS
 10 WITH DISABILITIES.—

11 “(i) IN GENERAL.—For children and
 12 youth who are to be assisted both under
 13 this subtitle, and under the Individuals
 14 with Disabilities Education Act (20 U.S.C.
 15 1400 et seq.) or section 504 of the Reha-
 16 bilitation Act of 1973 (29 U.S.C. 794),
 17 each local educational agency shall coordi-
 18 nate the provision of services under this
 19 subtitle with the provision of programs for
 20 children with disabilities served by that
 21 local educational agency and other involved
 22 local educational agencies.

23 “(ii) COST AND RESPONSIBILITY FOR
 24 INDIVIDUALS WITH DISABILITIES.—Such
 25 coordination shall include the following:

1 “(I) TRANSPORTATION.—Each
2 local educational agency shall adopt
3 policies and practices to apportion the
4 cost and responsibility for providing
5 transportation to children and youths
6 entitled to transportation services
7 under both paragraph (1)(J)(iii) and
8 the Individuals with Disabilities Edu-
9 cation Act (20 U.S.C. 1400 et seq.) or
10 section 504 of the Rehabilitation Act
11 of 1973 (29 U.S.C. 794).

12 “(II) PUBLIC OR PRIVATE EDU-
13 CATIONAL PROGRAM.—

14 “(aa) IN GENERAL.—Except
15 as provided in item (bb), if a
16 local educational agency has
17 placed a child or youth in a pri-
18 vate educational program, or in a
19 public educational program out-
20 side the area served by that local
21 educational agency, under section
22 614(d)(1)(A) of the Individuals
23 with Disabilities Education Act
24 (20 U.S.C. 1414(d)(1)(A)), and
25 though moving to an area served

1 by another local educational
2 agency, the homeless child or
3 youth is to remain in that edu-
4 cational program as the child's or
5 youth's school of origin (as de-
6 fined in paragraph (3)(J)) under
7 subparagraphs (A) and (B) of
8 paragraph (3), the local edu-
9 cational agency that made the
10 placement shall continue pay-
11 ments for the placement.

12 “(bb) EXCEPTION.—Item
13 (aa) shall apply unless the local
14 educational agency that made the
15 placement and the local edu-
16 cational agency in the area where
17 the student is temporarily resid-
18 ing agree upon another method
19 to apportion the cost, or the
20 State educational agency involved
21 has devised another method to
22 apportion cost and responsibility
23 among local educational agencies.

24 “(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

1 “(A) DUTIES.—Each local educational
2 agency liaison for homeless children and youths,
3 designated under paragraph (1)(J)(ii), shall en-
4 sure that—

5 “(i) all homeless children and youths
6 are identified by school personnel and
7 through outreach and coordination activi-
8 ties with other entities and agencies, in-
9 cluding through such measures as inquiries
10 concerning housing status on school reg-
11 istration forms and on withdrawal or exit
12 forms;

13 “(ii) homeless children and youths are
14 immediately enrolled in, and have a full
15 and equal opportunity to succeed in,
16 schools of that local educational agency;

17 “(iii) homeless families, and homeless
18 children and youths, have access to edu-
19 cational services for which such families,
20 children, and youths are eligible, including
21 services through Head Start, Early Head
22 Start, early intervention, and Even Start
23 programs, and preschool programs de-
24 scribed in paragraph (7)(A);

1 “(iv) homeless families, and homeless
2 children and youths receive referrals to
3 health care services, dental services, mental
4 health and substance abuse services, hous-
5 ing services, and other appropriate serv-
6 ices;

7 “(v) the parents or guardians of
8 homeless children and youths are informed
9 of the educational and related opportuni-
10 ties available to their children, including
11 preschool opportunities, and are provided
12 with meaningful opportunities to partici-
13 pate in the education of their children;

14 “(vi) public notice of the educational
15 rights of homeless children and youths is
16 incorporated into documents related to
17 residency requirements or enrollment, pro-
18 vided upon school enrollment and with-
19 drawal, posted on the local educational
20 agency’s website, and disseminated in loca-
21 tions frequented by parents or guardians
22 of such children and youths, and unaccom-
23 panied youths, including schools, shelters,
24 public libraries, and soup kitchens, in a
25 manner and form understandable to par-

ents and guardians of homeless children
and youths and unaccompanied youths;

“(vii) disputes are resolved in accordance with paragraph (3)(E);

“(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);

“(ix) school personnel are adequately prepared to implement this subtitle and receive professional development, resource materials, technical assistance, and other support; and

“(x) unaccompanied youths—

“(I) are enrolled in school;

“(II) have opportunities to meet the same challenging State student academic achievement standards to which other students are held, including through implementation of the policies and practices required by sub-

1 paragraphs (F)(ii) and (J)(iv) of
2 paragraph (1); and

3 “(III) are informed of their sta-
4 tus as independent students under
5 section 480 of the Higher Education
6 Act of 1965 (20 U.S.C. 1087vv), in-
7 cluding through school counselors that
8 have received professional develop-
9 ment about unaccompanied youth,
10 and receive verification of such status
11 for purposes of the Free Application
12 for Federal Student Aid described in
13 section 483 of such Act (20 U.S.C.
14 1090).

15 “(B) NOTICE.—State Coordinators ap-
16 pointed under subsection (d)(3) and local edu-
17 cational agencies shall inform school personnel,
18 service providers, and advocates working with
19 homeless families and homeless children and
20 youths of the contact information and duties of
21 the local educational agency liaisons, including
22 publishing an annually updated list of the liai-
23 sons on the State educational agency’s website.

24 “(C) LOCAL AND STATE COORDINATION.—
25 The local educational agency liaisons shall, as a

1 part of their duties, coordinate and collaborate
 2 with the State Coordinators and community
 3 and school personnel responsible for the provi-
 4 sion of education and related support services
 5 to homeless children and youths. Such coordina-
 6 tion shall include collecting and providing to the
 7 State Coordinator the reliable, valid, and com-
 8 prehensive data needed to meet the require-
 9 ments of paragraphs (1) and (3) of subsection
 10 (f).

11 “(D) PROFESSIONAL DEVELOPMENT.—The
 12 local educational agency liaisons shall partici-
 13 pate in the professional development and other
 14 technical assistance activities provided by the
 15 State Coordinator pursuant to subsection (f)(5).

16 “(7) SCHOOL READINESS FOR HOMELESS CHIL-
 17 DREN.—

18 “(A) STATE AND LOCAL EDUCATIONAL
 19 AGENCIES.—Each State educational agency and
 20 local educational agency shall ensure that enti-
 21 ties carrying out preschool programs funded,
 22 administered, or overseen by the agency in-
 23 volved—

24 “(i) comply with paragraphs (3) and
 25 (4), except that in the absence of contrary

1 State law or policy, such entities shall not
2 be required to enroll a homeless child im-
3 mediately in a preschool program that is
4 operating at full capacity when the child
5 seeks to enroll;

6 “(ii) identify and prioritize homeless
7 children for enrollment and increase their
8 enrollment and attendance in preschool
9 programs, including through policies such
10 as—

11 “(I) reserving spaces in preschool
12 programs for homeless children;

13 “(II) conducting targeted out-
14 reach to homeless children and their
15 families;

16 “(III) waiving application dead-
17 lines;

18 “(IV) providing ongoing profes-
19 sional development for staff regarding
20 the needs of homeless children and
21 their families and strategies to serve
22 the children and families; and

23 “(V) developing the capacity to
24 serve all identified homeless children;
25 and

1 “(iii) review the educational and re-
2 lated needs of homeless children and their
3 families in such agency’s service area, in
4 coordination with the liaison designated
5 under paragraph (1)(J)(ii), and develop
6 policies and practices to meet identified
7 needs.

8 “(B) OTHER STATE AGENCIES.—In the
9 case of State-funded preschool programs that
10 are not funded, administered, or overseen by
11 the State educational agency or a local edu-
12 cational agency, the State agency that funds,
13 administers, or oversees such preschool pro-
14 grams shall—

15 “(i) develop, review, and revise its
16 policies and practices to remove barriers to
17 the identification, enrollment, attendance,
18 retention, and success of homeless children
19 for or in preschool programs funded, ad-
20 ministered, or overseen by the agency;

21 “(ii) ensure that the entities comply
22 with the provisions of paragraph (3) and
23 (4) except that such entities, with respect
24 to such programs—

1 “(I) shall not be required to en-
2 roll a homeless child immediately in a
3 preschool program that is operating at
4 full capacity when the child seeks to
5 enroll, in the absence of contrary
6 State law or policy;

7 “(II) shall not be subject to the
8 dispute resolution procedures of the
9 State educational agency or local edu-
10 cational agencies, but shall ensure
11 that all of the dispute resolution pro-
12 cedures available through such pro-
13 grams and the State agency that
14 funds, administers, or oversees such
15 programs are accessible to parents
16 and guardians of homeless children
17 and shall provide such parents and
18 guardians with a written explanation
19 of their dispute and appeal rights; and

20 “(III) shall not be subject to the
21 transportation requirements of para-
22 graphs (1)(J)(iii) or (3)(B)(v), but
23 shall remove barriers to transpor-
24 tation services for homeless children
25 and shall, to the maximum extent

1 practicable, arrange or provide trans-
2 portation for homeless children to at-
3 tend preschool programs, including
4 their preschool program of origin;

5 “(iii) identify and prioritize homeless
6 children for enrollment and increase their
7 enrollment and attendance in preschool
8 programs, including through policies such
9 as—

10 “(I) reserving spaces in preschool
11 programs for homeless children;

12 “(II) conducting targeted out-
13 reach to homeless children and their
14 families;

15 “(III) waiving application dead-
16 lines;

17 “(IV) providing ongoing profes-
18 sional development for staff regarding
19 the needs of homeless children and
20 their families and strategies to serve
21 the children and families; and

22 “(V) develop capacity to serve all
23 identified homeless children; and

24 “(iv) review the educational and re-
25 lated needs of homeless children and their

1 families in the State, in coordination with
 2 the Office of the Coordinator for Edu-
 3 cation of Homeless Children and Youths
 4 established under subsection (d)(3), and
 5 develop policies and practices to meet iden-
 6 tified needs.

7 “(h) PROHIBITION ON SEGREGATING HOMELESS
 8 CHILDREN AND YOUTHS.—

9 “(1) IN GENERAL.—In providing a free appro-
 10 priate public education to a homeless child or youth,
 11 no State receiving funds under this subtitle shall
 12 segregate such child or youth in a separate school,
 13 or in a separate program within a school, based on
 14 such child’s or youth’s status as homeless.

15 “(2) TRANSITION FROM SEGREGATED SCHOOLS
 16 IN FORMERLY COVERED COUNTIES.—To ensure a
 17 smooth, rapid, and complete transition for all home-
 18 less children and youths from segregated to nonseg-
 19 regated schools or programs, in formerly covered
 20 counties, each local educational agency that serves
 21 such a covered county shall—

22 “(A) coordinate activities with those seg-
 23 regated schools and schools with segregated
 24 programs located in formerly covered counties,

1 to identify each homeless child and youth en-
 2 rolled in such schools and programs;

3 “(B) for each homeless child and youth so
 4 identified, determine if the child or youth has a
 5 school of origin (as defined in subsection
 6 (g)(3)(J)) and either—

7 “(i) immediately enroll the child or
 8 youth in the school of origin if it is in the
 9 child’s or youth’s best interest in accord-
 10 ance with this subtitle and consistent with
 11 the wishes of the parent, guardian, or un-
 12 accompanied youth involved, and provide
 13 transportation to and from the school of
 14 origin; or

15 “(ii) immediately enroll the child or
 16 youth in any nonsegregated public school if
 17 enrollment in the school of origin is not in
 18 the child’s or youth’s best interest in ac-
 19 cordance with this subtitle or is against the
 20 wishes of the parent, guardian, or unac-
 21 companied youth;

22 “(C) provide the parent, guardian, or un-
 23 accompanied youth with information about the
 24 dispute resolution process available under this
 25 subtitle;

1 “(D) ensure that each homeless child or
 2 youth receives the full protections and services
 3 provided by this subtitle; and

4 “(E) implement other policies and prac-
 5 tices necessary to ensure a smooth, rapid, and
 6 complete integration of the children and youths
 7 into the public schools of the local educational
 8 agency.

9 “(3) ROLE OF STATE EDUCATIONAL AGENCY IN
 10 TRANSITION.—The State educational agencies of
 11 California and Arizona shall provide technical assist-
 12 ance to the local educational agencies in the State
 13 that serve formerly covered counties to ensure the
 14 requirements of paragraph (2) are met.

15 “(4) TRANSITION PERIOD.—Not later than the
 16 end of the academic year in which the Educational
 17 Success for Children and Youth Without Homes Act
 18 of 2009 is enacted, the transition referred to in
 19 paragraph (2) shall be complete.

20 “(i) NO DIMINISHMENT OF POWER.—Nothing in this
 21 subtitle shall be construed to diminish the rights of par-
 22 ents or guardians of homeless children or youth, or unac-
 23 companied youth, otherwise provided under State law, pol-
 24 icy, or practice, including laws or policies that authorize

1 the best interest determination in subsection (g)(3) to be
 2 made solely by the parent, guardian, or youth involved.

3 **“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
 4 **THE EDUCATION OF HOMELESS CHILDREN**
 5 **AND YOUTHS.**

6 “(a) GENERAL AUTHORITY.—

7 “(1) IN GENERAL.—The State educational
 8 agency shall, in accordance with section 722(e), and
 9 from amounts made available to such agency under
 10 section 726, make subgrants to local educational
 11 agencies for the purpose of facilitating the identifica-
 12 tion, enrollment, attendance, and success in school
 13 of homeless children and youths.

14 “(2) SERVICES.—

15 “(A) IN GENERAL.—Services under para-
 16 graph (1)—

17 “(i) may be provided through pro-
 18 grams on school grounds or at other facili-
 19 ties; and

20 “(ii) shall, to the maximum extent
 21 practicable, be provided through existing
 22 programs and mechanisms that integrate
 23 homeless children and youths with non-
 24 homeless children and youths.

1 “(B) SERVICES ON SCHOOL GROUNDS.—If
2 services under paragraph (1) are provided to
3 homeless children and youths on school
4 grounds, the school involved may use funds
5 under this subtitle to provide the same services
6 to other children and youths who are deter-
7 mined by the local educational agency serving
8 the school to be at risk of failing in, or drop-
9 ping out of, school.

10 “(3) REQUIREMENT.—Services provided under
11 this section shall not replace the regular academic
12 program and shall be designed to expand upon or
13 improve services provided as part of the school’s reg-
14 ular academic program.

15 “(4) DURATION OF GRANTS.—Subgrants
16 awarded under this section shall be for terms of not
17 to exceed 3 years.

18 “(b) APPLICATION.—A local educational agency that
19 desires to receive a subgrant under this section shall sub-
20 mit an application to the State educational agency at such
21 time, in such manner, and containing or accompanied by
22 such information as the State educational agency may rea-
23 sonably require. Such application shall include the fol-
24 lowing:

1 “(1) An assessment of the educational and re-
2 lated needs of homeless children and youths in the
3 area served by the local educational agency (which
4 may be undertaken as part of a needs assessment
5 for another disadvantaged group).

6 “(2) A description of the services and programs
7 for which assistance is sought to address the needs
8 identified in paragraph (1).

9 “(3) An assurance that the local educational
10 agency’s combined fiscal effort per student, or the
11 aggregate expenditures of that agency and the State
12 with respect to the provision of free public education
13 by such agency for the fiscal year preceding the fis-
14 cal year for which the subgrant determination is
15 made, was not less than 90 percent of such com-
16 bined fiscal effort or aggregate expenditures for the
17 second fiscal year preceding the fiscal year for which
18 the determination is made.

19 “(4) An assurance that the applicant complies
20 with, or will use requested funds to comply with,
21 paragraphs (3) through (7) of section 722(g).

22 “(5) A description of policies and procedures
23 that the agency will implement to ensure that activi-
24 ties carried out by the agency will not isolate or stig-
25 matize homeless children and youths.

1 “(6) An assurance that the local educational
2 agency will collect and promptly provide data re-
3 quested by the State Coordinator pursuant to para-
4 graphs (1) and (3) of section 722(f).

5 “(7) A description of the policies and practices
6 the local educational agency has implemented to re-
7 move barriers to the identification, enrollment, at-
8 tendance, retention, and success in school of all
9 homeless children and youths.

10 “(c) AWARDS.—

11 “(1) IN GENERAL.—The State educational
12 agency shall, in accordance with the requirements of
13 this subtitle and from amounts made available to it
14 under section 722(a), make subgrants on a competi-
15 tive basis to local educational agencies that submit
16 applications under subsection (b). Such subgrants
17 shall be awarded on the basis of the need of such
18 agencies for assistance under this subtitle and the
19 quality of the applications submitted.

20 “(2) NEED.—

21 “(A) IN GENERAL.—In determining need
22 under paragraph (1), the State educational
23 agency may consider the number of homeless
24 children and youths enrolled in preschool, ele-
25 mentary schools, and secondary schools within

1 the area served by the local educational agency,
2 and shall consider the needs of such children
3 and youths and the ability of the local edu-
4 cational agency to meet such needs.

5 “(B) OTHER CONSIDERATIONS.—The
6 State educational agency may also consider the
7 following:

8 “(i) The extent to which the proposed
9 use of funds will facilitate the identifica-
10 tion, enrollment, attendance, retention, and
11 educational success of homeless children
12 and youths.

13 “(ii) The extent to which the applica-
14 tion reflects coordination with other local
15 and State agencies that serve homeless
16 children and youths.

17 “(iii) The extent to which the appli-
18 cant exhibits in the application and in cur-
19 rent practice (as of the date of submission
20 of the application) a commitment to edu-
21 cation for all homeless children and youths.

22 “(iv) Such other criteria as the State
23 agency determines to be appropriate.

1 “(3) QUALITY.—In determining the quality of
2 applications under paragraph (1), the State edu-
3 cational agency shall consider each of the following:

4 “(A) The applicant’s needs assessment
5 under subsection (b)(2) and the likelihood that
6 the program presented in the application will
7 meet such needs.

8 “(B) The types, intensity, and coordination
9 of the services to be provided under the pro-
10 gram.

11 “(C) The extent to which the applicant will
12 promote meaningful involvement of parents or
13 guardians of homeless children or youths in the
14 education of their children.

15 “(D) The extent to which homeless chil-
16 dren and youths will be integrated into the reg-
17 ular education program involved.

18 “(E) The quality of the applicant’s evalua-
19 tion plan for the program.

20 “(F) The extent to which services provided
21 under this subtitle will be coordinated with
22 other services available to homeless children
23 and youths and their families, including housing
24 and child welfare services and services provided
25 under the Individuals with Disabilities Edu-

1 cation Act (20 U.S.C. 1400 et seq.), title I of
2 the Elementary and Secondary Education Act
3 of 1965 (20 U.S.C. 6301 et seq.), and similar
4 State and local programs.

5 “(G) The extent to which the local edu-
6 cational agency will use the subgrant to lever-
7 age resources, including by maximizing
8 nonsubgrant funding for the position of the liai-
9 son described in section 722(g)(1)(J)(ii) and
10 the provision of transportation.

11 “(H) The local educational agency’s use of
12 funds to serve homeless children and youths
13 under section 1113(c)(3) of title I of the Ele-
14 mentary and Secondary Education Act of 1965
15 (20 U.S.C. 6313(c)(3)).

16 “(I) The extent to which the applicant’s
17 program meets such other measures as the
18 State educational agency considers to be indic-
19 ative of a high-quality program, including the
20 extent to which the local educational agency will
21 provide services to unaccompanied youth and
22 preschool-aged children.

23 “(J) The extent to which the application
24 describes how the applicant will meet the re-
25 quirements of section 722(g)(3).

1 “(d) AUTHORIZED ACTIVITIES.—A local educational
2 agency may use funds awarded under this section for ac-
3 tivities that carry out the purpose of this subtitle, includ-
4 ing the following:

5 “(1) The provision of tutoring, supplemental in-
6 struction, and enriched educational services that are
7 linked to the achievement of the same challenging
8 State academic content standards and challenging
9 State student academic achievement standards as
10 the State establishes for other children and youths.

11 “(2) The provision of expedited evaluations of
12 the strengths, needs, and eligibility of homeless chil-
13 dren and youths, including needs and eligibility for
14 programs and services (including educational pro-
15 grams for gifted and talented students, children with
16 disabilities, and students with limited English pro-
17 ficiency, charter school programs, magnet school
18 programs, and programs in vocational and technical
19 education, and school nutrition programs).

20 “(3) Professional development and other activi-
21 ties for educators and pupil services personnel that
22 are designed to heighten the understanding and sen-
23 sitivity of such educators and personnel to the needs
24 of homeless children and youths, the rights of such
25 children and youths under this subtitle, and the spe-

1 cific educational needs of runaway and homeless
2 youths.

3 “(4) The provision of referral services to home-
4 less children and youths for medical, dental, mental,
5 and other health services.

6 “(5) The provision of assistance to defray the
7 cost of transportation under paragraphs (1)(J)(iii)
8 and (4)(A) of section 722(g), and transportation to
9 preschool programs, not otherwise provided through
10 Federal, State, or local funding.

11 “(6) The provision of developmentally appro-
12 priate early childhood development programs, not
13 otherwise provided through Federal, State, or local
14 funding.

15 “(7) The provision of services and assistance to
16 attract, engage, and retain homeless children and
17 youths, particularly homeless children and youths
18 who are not enrolled in school, in public school pro-
19 grams and services provided to nonhomeless children
20 and youths.

21 “(8) The provision for homeless children and
22 youths of before- and after-school, mentoring, and
23 summer programs in which a teacher or other quali-
24 fied individual provides tutoring, homework assist-
25 ance, and supervision of educational activities.

1 “(9) If necessary, the payment of fees and
2 other costs associated with tracking, obtaining, and
3 transferring records necessary to facilitate the ap-
4 propriate placement of homeless children and youths
5 in school or preschool programs, including birth cer-
6 tificates, immunization or other required health
7 records, academic records, guardianship records, and
8 evaluations for special programs or services.

9 “(10) The provision of education and training
10 to the parents of homeless children and youths about
11 the rights of, and resources available to, such chil-
12 dren and youths, and other activities designed to in-
13 crease the meaningful involvement of parents or
14 guardians of homeless children or youths in the edu-
15 cation of their children.

16 “(11) The development of coordination of ac-
17 tivities between schools and agencies providing serv-
18 ices to homeless children and youths, as described in
19 section 722(g)(5).

20 “(12) The provision of pupil services (including
21 counseling) and referrals for such services.

22 “(13) Activities to address the particular needs
23 of homeless children and youths that may arise from
24 domestic violence and parental mental health or sub-
25 stance abuse problems.

1 “(14) The adaptation of space and purchase of
2 supplies for any nonschool facilities made available
3 under subsection (a)(2) to provide services under
4 this subsection.

5 “(15) The provision of school supplies, includ-
6 ing supplies to be distributed at shelters or tem-
7 porary housing facilities, or other appropriate loca-
8 tions.

9 “(16) The provision of assistance to defray the
10 cost of the position of liaison designated pursuant to
11 section 722(g)(1)(J)(ii), not otherwise provided
12 through Federal, State, or local funding.

13 “(17) The provision of other extraordinary or
14 emergency assistance needed to enable homeless chil-
15 dren and youths to enroll, attend, and succeed in
16 school or preschool programs.

17 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

18 “(a) REVIEW OF STATE PLANS.—In reviewing the
19 State plan submitted by a State educational agency under
20 section 722(g), the Secretary shall use a peer review proc-
21 ess and shall evaluate whether State laws, policies, and
22 practices described in such plan adequately address the
23 problems of all homeless children and youths relating to
24 access to education and placement as described in such
25 plan.

1 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
2 provide support and technical assistance to State edu-
3 cational agencies to assist such agencies in carrying out
4 their responsibilities under this subtitle, and shall estab-
5 lish or designate a Federal Office of the Coordinator for
6 Education of Homeless Children and Youths that has suf-
7 ficient capacity, resources, and support to carry out the
8 responsibilities described in this subtitle.

9 “(c) NOTICE.—

10 “(1) IN GENERAL.—The Secretary shall, before
11 the next school year that begins after the date of en-
12 actment of the Educational Success for Children and
13 Youth Without Homes Act of 2009, develop and dis-
14 seminate a public notice of the educational rights of
15 homeless children and youths. The notice shall in-
16 clude information regarding the definition of home-
17 less children and youths in section 725.

18 “(2) DISSEMINATION.—The Secretary shall dis-
19 seminate the notice nationally. The Secretary also
20 shall disseminate such notice to heads of other De-
21 partment of Education offices, including those re-
22 sponsible for special education programs, higher
23 education, and programs under parts A, B, C, D, G,
24 and H of title I, title III, title IV, and part B of title
25 V of the Elementary and Secondary Education Act

1 of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391
2 et seq., 6421 et seq., 6531 et seq., 6551 et seq.,
3 6801 et seq., 7102 et seq., and 7221 et seq.). The
4 Secretary shall also disseminate such notice to heads
5 of other Federal agencies, and grant recipients and
6 other entities carrying out federally funded pro-
7 grams, including Head Start program grantees,
8 grant recipients under the Health Care for the
9 Homeless program of the Health Resources and
10 Services Administration of the Department of
11 Health and Human Services, grant recipients under
12 the Emergency Food and Shelter National Board
13 Program of the Federal Emergency Management
14 Agency, grant recipients under the Runaway and
15 Homeless Youth Act (42 U.S.C. 5701 et seq.), grant
16 recipients under the John H. Chafee Foster Care
17 Independence program, grant recipients under home-
18 less assistance programs administered by the De-
19 partment of Housing and Urban Development, and
20 recipients of Federal funding for programs carried
21 out by the Administration on Children, Youth and
22 Families of the Department of Health and Human
23 Services.
24 “(d) EVALUATION AND DISSEMINATION.—

1 “(1) IN GENERAL.—The Secretary shall con-
2 duct evaluation, dissemination, and technical assist-
3 ance activities for programs that are designed to
4 meet the educational needs of homeless preschool, el-
5 ementary school, and secondary school students, and
6 may use funds appropriated under section 726 to
7 award grants to, or enter into contracts or coopera-
8 tive agreements with, eligible entities to enable the
9 eligible entities to carry out such activities.

10 “(2) PRIORITIES.—The Secretary, in awarding
11 such grant, or entering into such contract or cooper-
12 ative agreement, may, without regard to the rule-
13 making procedures under section 553 of title 5,
14 United States Code, limit competitions to, or other-
15 wise give priority to, entities with—

16 “(A) demonstrated experience in dissemi-
17 nation and technical assistance activities, in-
18 cluding using the Internet and other state-of-
19 the-art technology for efficient and cost-effec-
20 tive dissemination of information and technical
21 assistance;

22 “(B) demonstrated experience in the areas
23 of homelessness, serving at-risk youth, and edu-
24 cation; and

1 “(C) established networks, and a history of
2 collaboration, among State educational agen-
3 cies, local educational agencies, and national or-
4 ganizations that provide services to homeless
5 children and youths, and homeless families.

6 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-
7 retary shall require applications for grants under section
8 722 to be submitted to the Secretary not later than the
9 expiration of the 120-day period beginning on the date
10 that funds are available for purposes of making such
11 grants and shall make such grants not later than the expi-
12 ration of the 180-day period beginning on such date.

13 “(f) DETERMINATION BY SECRETARY.—The Sec-
14 retary, based on the information received from the States
15 and information gathered by the Secretary under sub-
16 section (h), shall determine the extent to which State edu-
17 cational agencies are ensuring that each homeless child or
18 youth has access to a free appropriate public education,
19 as described in section 721(1). The Secretary shall provide
20 support and technical assistance to State educational
21 agencies in areas in which barriers to a free appropriate
22 public education persist.

23 “(g) PUBLICATION.—The Secretary shall develop,
24 issue, and publish in the Federal Register, not later than
25 90 days after the date of enactment of the Educational

1 Success for Children and Youth Without Homes Act of
2 2009, a summary of the changes enacted by that Act and
3 related strategies, which summary shall include—

4 “(1) strategies by which a State can assist local
5 educational agencies to implement the provisions
6 amended by the Act;

7 “(2) strategies by which a State can review and
8 revise State policies and procedures that may
9 present barriers to the identification, enrollment, at-
10 tendance, and success of homeless children and
11 youths in school; and

12 “(3) strategies by which entities carrying out
13 preschool programs can implement requirements of
14 section 722(g)(7).

15 “(h) INFORMATION.—

16 “(1) IN GENERAL.—From funds appropriated
17 under section 726, the Secretary shall, directly or
18 through grants, contracts, or cooperative agree-
19 ments, periodically but no less frequently than every
20 2 years, collect and disseminate publicly data and in-
21 formation regarding—

22 “(A) the number of homeless children and
23 youths in all areas served by local educational
24 agencies, including homeless children enrolled in
25 preschool programs described in section

1 722(g)(7)(A) and the type of living situation in
2 which such children and youth are living when
3 identified;

4 “(B) the education and related support
5 services such children and youths receive;

6 “(C) the extent to which the needs of
7 homeless children and youths are being met;

8 “(D) the academic progress being made by
9 homeless children and youths, including the
10 percent or number of homeless children and
11 youths participating in State assessments; and

12 “(E) such other data and information as
13 the Secretary determines to be necessary and
14 relevant to carry out this subtitle.

15 “(2) COORDINATION.—The Secretary shall co-
16 ordinate such collection and dissemination with
17 other agencies and entities that receive assistance
18 and administer programs under this subtitle.

19 “(i) REPORT.—Not later than 4 years after the date
20 of enactment of the Educational Success for Children and
21 Youth Without Homes Act of 2009, the Secretary shall
22 prepare and submit to the President and the Committee
23 on Education and Labor of the House of Representatives
24 and the Committee on Health, Education, Labor, and
25 Pensions of the Senate a report on the status of the provi-

1 sion of education and related support services to homeless
 2 children and youths, which shall include information on—

3 “(1) the education of homeless children and
 4 youths; and

5 “(2) the actions of the Secretary and the effec-
 6 tiveness of the programs supported under this sub-
 7 title.

8 **“SEC. 725. DEFINITIONS.**

9 “In this subtitle:

10 “(1) ENROLL; ENROLLMENT.—The terms ‘en-
 11 roll’ and ‘enrollment’ include attending classes and
 12 participating fully in school activities.

13 “(2) FORMERLY COVERED COUNTIES.—The
 14 term ‘formerly covered counties’ means, with respect
 15 to California, San Joaquin County, Orange County,
 16 and San Diego County, and with respect to Arizona,
 17 Maricopa County.

18 “(3) HOMELESS CHILDREN AND YOUTHS.—The
 19 term ‘homeless children and youths’—

20 “(A) means individuals who lack a fixed,
 21 regular, and adequate nighttime residence
 22 (within the meaning of section 103(a)(1)); and

23 “(B) includes—

24 “(i) children and youths who—

1 “(I) are sharing the housing of
2 other persons due to loss of housing,
3 economic hardship, or a similar rea-
4 son;

5 “(II) are living in motels, hotels,
6 trailer parks, or camping grounds due
7 to the lack of alternative adequate ac-
8 commodations;

9 “(III) are living in emergency or
10 transitional shelters;

11 “(IV) are abandoned in hospitals;
12 or

13 “(V) are awaiting foster care
14 placement;

15 “(ii) children and youths who have a
16 primary nighttime residence that is a pub-
17 lic or private place not designed for or or-
18 dinarily used as a regular sleeping accom-
19 modation for human beings (within the
20 meaning of section 103(a)(2)(C));

21 “(iii) children and youths who are liv-
22 ing in cars, parks, public spaces, aban-
23 doned buildings, substandard housing, bus
24 or train stations, or similar settings; and

1 “(iv) migratory children (as such term
 2 is defined in section 1309 of the Elemen-
 3 tary and Secondary Education Act of 1965
 4 (20 U.S.C. 6399)) who qualify as homeless
 5 for the purposes of this subtitle because
 6 the children are living in circumstances de-
 7 scribed in clauses (i) through (iii).

8 “(4) INCLUDE; INCLUDING.—The terms ‘in-
 9 clude’ and ‘including’ mean that the items named
 10 are not all of the possible items that are covered,
 11 whether like or unlike the items named.

12 “(5) LOCAL EDUCATIONAL AGENCY; STATE
 13 EDUCATIONAL AGENCY.—The terms ‘local edu-
 14 cational agency’ and ‘State educational agency’ have
 15 the meanings given such terms in section 9101 of
 16 the Elementary and Secondary Education Act of
 17 1965 (20 U.S.C. 7801).

18 “(6) SECRETARY.—The term ‘Secretary’ means
 19 the Secretary of Education.

20 “(7) STATE.—The term ‘State’ means each of
 21 the 50 States, the District of Columbia, and the
 22 Commonwealth of Puerto Rico.

23 “(8) UNACCOMPANIED YOUTH.—The term ‘un-
 24 accompanied youth’ means a homeless child or youth

1 not in the physical custody of a parent or legal
 2 guardian.

3 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

4 “For the purpose of carrying out this subtitle, there
 5 are authorized to be appropriated to the Secretary
 6 \$300,000,000 for fiscal year 2010 and such sums as may
 7 be necessary for each of fiscal years 2011 through 2016.”.

8 **SEC. 3. CONFORMING AMENDMENTS.**

9 The Elementary and Secondary Education Act of
 10 1965 (20 U.S.C. 6301 et seq.) is amended—

11 (1) in section 1111 (20 U.S.C. 6311)—

12 (A) in subsection (b)(2), by adding at the
 13 end the following:

14 “(L) ACCOUNTABILITY FOR HOMELESS
 15 CHILDREN AND YOUTHS.—The accountability
 16 provisions under this Act shall ensure that
 17 homeless children and youths (as defined in sec-
 18 tion 725(3) of the McKinney-Vento Homeless
 19 Assistance Act), are included in academic as-
 20 sessment, reporting, and accountability systems,
 21 consistent with paragraph (3)(C)(xi). Notwith-
 22 standing the requirements of subsection (i), the
 23 State is not required to disaggregate the assess-
 24 ment results of homeless children and youths as

1 a separate category under subparagraph
2 (C)(v).”; and

3 (B) in subsection (c)—

4 (i) in paragraph (13), by striking
5 “and” after the semicolon;

6 (ii) in paragraph (14), by striking the
7 period at the end and inserting “; and”;
8 and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(15) the State will ensure that the require-
12 ments of subtitle B of title VII of the McKinney-
13 Vento Homeless Assistance Act are satisfied.”;

14 (2) in section 1112 (20 U.S.C. 6312)—

15 (A) by striking subsection (b)(1)(O) and
16 inserting the following:

17 “(O) a description of—

18 “(i) how the local educational agency
19 will ensure the enrollment, attendance, and
20 success of homeless children and youths;

21 “(ii) the services the local educational
22 agency will provide homeless children and
23 youths, including services provided with
24 funds reserved under section 1113(c)(3);

1 “(iii) the amount of funds reserved
2 under section 1113(c)(3);

3 “(iv) the needs assessment conducted
4 to determine the amount of funds reserved
5 under section 1113(c)(3);

6 “(v) how the amount of funds re-
7 served under section 1113(c)(3) was deter-
8 mined and the amount of funds’ relation to
9 the needs assessment;

10 “(vi) the collaborative role of the liai-
11 son designated pursuant to section
12 722(g)(1)(J)(ii) of the McKinney-Vento
13 Homeless Assistance Act in determining
14 the amount of funds reserved and the serv-
15 ices provided; and

16 “(vii) the services the local edu-
17 cational agency provided homeless children
18 and youths in the previous academic year,
19 including services provided with funds re-
20 served under section 1113(c)(3), an expla-
21 nation of any discrepancy between the an-
22 ticipated and actual use of funds, and an
23 explanation of any unspent reserved
24 funds;”; and

25 (B) in subsection (c)(1)—

1 (i) in subparagraph (N), by striking
2 “and” after the semicolon;

3 (ii) in subparagraph (O), by striking
4 the period at the end and inserting “;
5 and”; and

6 (iii) by adding at the end the fol-
7 lowing new subparagraph:

8 “(P) comply with the requirements of sub-
9 title B of title VII of the McKinney-Vento
10 Homeless Assistance Act that relate to the local
11 educational agency.”;

12 (3) by striking section 1113(c)(3) (20 U.S.C.
13 6313(c)(3)) and inserting the following:

14 “(3) RESERVATION.—

15 “(A) IN GENERAL.—

16 “(i) FUNDS FOR HOMELESS CHIL-
17 DREN AND YOUTHS.—A local educational
18 agency shall reserve funds under this part
19 to assist homeless children and youths who
20 are attending schools receiving assistance
21 under section 1114 or 1115, or schools not
22 receiving assistance under this part, in sat-
23 isfying the State’s academic achievement
24 standards.

1 “(ii) HOMELESS CHILDREN AND
 2 YOUTHS.—In this paragraph, the term
 3 ‘homeless children and youths’ has the
 4 meaning given the term in section 725(3)
 5 of the McKinney-Vento Homeless Assist-
 6 ance Act.

7 “(B) USE OF FUNDS.—Notwithstanding
 8 the requirements of subsections (b) and (c) of
 9 section 1120A, funds reserved under subpara-
 10 graph (A) may be used to provide homeless
 11 children and youths with services not ordinarily
 12 provided to other students under this part, in-
 13 cluding—

14 “(i) providing funding for the liaison
 15 designated pursuant to section
 16 722(g)(1)(J)(ii) of the McKinney-Vento
 17 Homeless Assistance Act;

18 “(ii) providing transportation pursu-
 19 ant to section 722(g)(1)(J)(iii) of such
 20 Act;

21 “(iii) providing services to preschool-
 22 aged homeless children and homeless sec-
 23 ondary school students;

24 “(iv) providing support services to
 25 homeless children and youths in shelters

1 and other locations where they may live;
2 and

3 “(v) removing barriers to homeless
4 children and youths’ enrollment, attend-
5 ance, retention, and success in school.

6 “(C) AMOUNT RESERVED.—The amount of
7 funds reserved under subparagraph (A) shall be
8 determined collaboratively with the liaison des-
9 ignated pursuant to section 722(g)(1)(J)(ii) of
10 the McKinney-Vento Homeless Assistance Act
11 and based upon an assessment of the needs of
12 homeless children and youths in the local edu-
13 cational agency, including consideration of the
14 following:

15 “(i) The percentage of students deter-
16 mined by the local educational agency to
17 be from a low-income family using the
18 measures described in subsection (a)(5).

19 “(ii) Available data related to child,
20 youth, and family homelessness in the local
21 educational agency, including data re-
22 ported to the Department of Housing and
23 Urban Development, data reported to the
24 Department of Health and Human Serv-
25 ices under the Runaway and Homeless

1 Youth Act (42 U.S.C. 5701 et seq.), and
2 data reported by Head Start, Early Head
3 Start, and other preschool programs in the
4 local educational agency.

5 “(iii) Information related to child,
6 youth, and family homelessness in the local
7 educational agency obtained through the
8 coordination and collaboration required
9 under subsections (f)(4) and (g)(5) of sec-
10 tion 722 of the McKinney-Vento Homeless
11 Assistance Act.

12 “(iv) The number of homeless children
13 and youths reported by the local edu-
14 cational agency to the State educational
15 agency under section 722(f)(3) of the
16 McKinney-Vento Homeless Assistance Act
17 for the previous school year.

18 “(v) Gaps in identification of homeless
19 children and youths in the local edu-
20 cational agency, as described by the liaison
21 designated pursuant to section
22 722(g)(1)(J)(ii) of the McKinney-Vento
23 Homeless Assistance Act.

24 “(vi) Transportation and other needs
25 of homeless children and youths, as de-

scribed by the liaison designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act.

“(vii) Strategies to improve or maintain academic achievement and high school graduation rates for homeless children and youths in the local educational agency.

“(D) INTEGRATION.—The services provided to homeless children and youths shall, to the maximum extent practicable, integrate homeless children and youths with non-homeless children and youths.

“(E) COMPARABLE SERVICES.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

“(i) children in local institutions for neglected children; and

“(ii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day school programs.”;

(4) in section 1114(b)(1)(A) (20 U.S.C. 6314(b)(1)(A)), by inserting “and homeless children

1 and youths as defined in section 725(3) of the
 2 McKinney-Vento Homeless Assistance Act” before
 3 “that is based on information”;

4 (5) by striking section 1115(b)(2)(E) (20
 5 U.S.C. 6315(b)(2)(E)) and inserting the following:

6 “(E) HOMELESS CHILDREN AND
 7 YOUTHS.—A child or youth who is homeless, as
 8 defined in section 725(3) of the McKinney-
 9 Vento Homeless Assistance Act, and attending
 10 any school served by the local educational agen-
 11 cy is eligible for services under this part.”;

12 (6) in section 1118(a)(2)(E) (20 U.S.C.
 13 6318(a)(2)(E)), by inserting “are homeless,” before
 14 “are disabled”;

15 (7) in section 1118(f) (20 U.S.C. 6318(f)), by
 16 inserting “parents of homeless children,” before
 17 “and parents of migratory children”;

18 (8) by striking section 1821(1) (20 U.S.C.
 19 6561(1)) and inserting the following:

20 “(1) LOW-INCOME STUDENT.—The term ‘low-
 21 income student’ means a student who is determined
 22 by a local educational agency to be from a low-in-
 23 come family using the measures described in section
 24 1113(a)(5), or a student who is a homeless child or

1 youth, as defined in section 725(3) of the McKinney-
 2 Vento Homeless Assistance Act.”;

3 (9) in section 1822(b)(1) (20 U.S.C.
 4 6561a(b)(1))—

5 (A) by amending subparagraph (H) to
 6 read as follows:

7 “(H) counseling and mentoring for at-risk
 8 students, including students who are homeless
 9 children and youths, as defined in section
 10 725(3) of the McKinney-Vento Homeless As-
 11 sistance Act;”;

12 (B) in subparagraph (I), by striking “and”
 13 after the semicolon;

14 (C) in subparagraph (J), by striking the
 15 period at the end and inserting “; and”; and

16 (D) by adding at the end the following:

17 “(K) outreach activities to locate and iden-
 18 tify at-risk students, including homeless chil-
 19 dren and youths, as defined in section 725(3)
 20 of the McKinney-Vento Homeless Assistance
 21 Act.”;

22 (10) in section 1823(b)(1) (20 U.S.C.
 23 6561b(b)(1))—

24 (A) in subparagraph (F), by striking
 25 “and” after the semicolon;

1 (B) in subparagraph (G), by striking the
 2 period at the end and inserting “; and”; and

3 (C) by adding at the end the following new
 4 subparagraph:

5 “(H) describe how the strategies and ac-
 6 tivities will include outreach and services to
 7 homeless children and youths, as defined in sec-
 8 tion 725(3) of the McKinney-Vento Homeless
 9 Assistance Act.”;

10 (11) in section 1825(1) (20 U.S.C. 6561d(1))—

11 (A) in subparagraph (A), by inserting “,
 12 including homeless children and youths, as de-
 13 fined in section 725(3) of the McKinney-Vento
 14 Homeless Assistance Act” after “at-risk stu-
 15 dents”; and

16 (B) in subparagraph (B), by inserting “,
 17 homeless children and youths (as defined in sec-
 18 tion 725(3) of the McKinney-Vento Homeless
 19 Assistance Act),” after “racial and ethnic mi-
 20 norities”;

21 (12) in section 4203(a) (20 U.S.C. 7173(a))—

22 (A) in paragraph (10), by inserting “, in-
 23 cluding homeless children and youths (as de-
 24 fined in section 725(3) of the McKinney-Vento

1 Homeless Assistance Act),” after “participating
2 students”;

3 (B) in paragraph (13)(B), by striking
4 “and” after the semicolon;

5 (C) in paragraph (14), by striking the pe-
6 riod at the end and inserting “; and”; and

7 (D) by adding at the end the following:

8 “(15) contains an assurance that the State edu-
9 cational agency will require eligible entities to de-
10 scribe in the entities’ applications under section
11 4204(b) how such entities will ensure the participa-
12 tion, attendance, and success of eligible homeless
13 children and youths (as defined in section 725(3) of
14 the McKinney-Vento Homeless Assistance Act), pay-
15 ing particular attention to the needs of unaccom-
16 panied youths.”; and

17 (13) in section 5203(b)(3)(L) (20 U.S.C.
18 7221b(b)(3)(L)), by inserting before the semicolon
19 at the end the following: “, and the local educational
20 agency requirements under subtitle B of title VII of
21 the McKinney-Vento Homeless Assistance Act”.

○